

House Amendment 1881

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1 1 Amend House File 911 as follows:
1 2 #1. Page 23, by inserting after line 14 the
1 3 following:
1 4 <Sec. _____. Section 97B.49B, subsection 1,
1 5 paragraph e, subparagraph (1), Code 2007, is amended
1 6 to read as follows:
1 7 (1) A conservation peace officer employed under
1 8 section 456A.13 or as designated by a county
1 9 conservation board pursuant to section 350.5 or by a
1 10 county trails board pursuant to section 350A.5.>
1 11 #2. Page 29, by inserting after line 22 the
1 12 following:
1 13 <Sec. _____. Section 306.42, subsection 2, Code
1 14 2007, is amended to read as follows:
1 15 2. The department shall transfer by quitclaim deed
1 16 to the county or to the city having jurisdiction over
1 17 a road, all of the state's legal or equitable title
1 18 and interest in right-of-way for the road or street
1 19 and may transfer any adjacent unused right-of-way or
1 20 land in excess of that needed as right-of-way. The
1 21 deed shall be executed by the director of the
1 22 department. However, if the department owns any
1 23 adjacent unused right-of-way in excess of that needed
1 24 as right-of-way which is located outside the
1 25 incorporated limits of a city and is suitable for
1 26 purposes specified in section 350.4, subsection 2, or
1 27 section 350A.4, subsection 2, the department may, at
1 28 the request of the county and the county conservation
1 29 board or the county trails board, transfer the
1 30 property by quitclaim deed to the county for the use
1 31 and benefit of the county conservation board or the
1 32 county trails board.
1 33 Sec. _____. Section 306D.2, subsection 1, unnumbered
1 34 paragraph 1, Code 2007, is amended to read as follows:
1 35 The state department of transportation shall
1 36 prepare a statewide, long-range plan for the
1 37 protection, enhancement, and identification of
1 38 highways and secondary roads which pass through
1 39 unusually scenic areas of the state as identified in
1 40 section 306D.1. The department of natural resources,
1 41 department of economic development, and department of
1 42 cultural affairs, private organizations, county
1 43 conservation boards, county trails boards, city park
1 44 and recreation departments, and the federal agencies
1 45 having jurisdiction over land in the state shall be
1 46 encouraged to assist in preparing the plan. The plan
1 47 shall be coordinated with the state's open space plan
1 48 if a state open space plan has been approved by the
1 49 general assembly. The plan shall include, but is not
1 50 limited to, the following elements:
2 1 Sec. _____. Section 308A.1, unnumbered paragraph 3,
2 2 Code 2007, is amended to read as follows:
2 3 The department of natural resources is hereby
2 4 authorized to ~~co-operate~~ cooperate with county
2 5 conservation boards, county trails boards, boards of
2 6 supervisors, city councils, or any private
2 7 organizations interested in the establishment of
2 8 bikeways, and may consult with such groups in the
2 9 planning of appropriate bikeway routes and related
2 10 activities.
2 11 Sec. _____. Section 314.22, subsection 3, paragraph
2 12 b, Code 2007, is amended by adding the following new
2 13 subparagraph:
2 14 NEW SUBPARAGRAPH. (9) One member representing
2 15 county trails boards.
2 16 Sec. _____. Section 314.22, subsection 8, paragraph
2 17 b, Code 2007, is amended to read as follows:
2 18 b. The department shall coordinate and compile a
2 19 reconnaissance of lands to develop an inventory of
2 20 sites having the potential of being harvested for
2 21 native grass, forb, and woody plant material seed and
2 22 growing stock. Highway right-of-ways, parks and
2 23 recreation areas, converted railroad right-of-ways,
2 24 state board of regents' property, lands owned by

2 25 counties, and other types of public property shall be
2 26 surveyed and documented for seed source potential.
2 27 Sites volunteered by private organizations may also be
2 28 included in the inventory. Inventory information
2 29 shall be made available to state agencies' staffs,
2 30 county engineers, county conservation board directors,
2 31 county trails board directors, and others.>
2 32 #3. Page 29, by inserting after line 33 the
2 33 following:
2 34 <Sec. _____. Section 331.321, subsection 1, Code
2 35 2007, is amended to read as follows:
2 36 1. The board shall appoint:
2 37 a. A veterans memorial commission in accordance
2 38 with sections 37.9 to 37.15, when a proposition to
2 39 erect a memorial building or monument has been
2 40 approved by the voters.
2 41 b. A county conservation board in accordance with
2 42 section 350.2, when a proposition to establish the
2 43 board has been approved by the voters.
2 44 c. A county trails board in accordance with
2 45 section 350A.2, when a proposition to establish the
2 46 board has been approved by the voters.
2 47 ~~e. d.~~ The members of the county board of health
2 48 in accordance with section 137.4.
2 49 ~~d. e.~~ One member of the convention to elect the
2 50 state fair board as provided in section 173.2,
3 1 subsection 3.
3 2 ~~e. f.~~ A temporary board of community mental
3 3 health center trustees in accordance with section
3 4 230A.4 when the board decides to establish a community
3 5 mental health center, and members to fill vacancies in
3 6 accordance with section 230A.6.
3 7 ~~f. g.~~ The members of the service area advisory
3 8 board in accordance with section 217.43.
3 9 ~~g. h.~~ A county commission of veteran affairs in
3 10 accordance with sections 35B.3 and 35B.4.
3 11 ~~h. i.~~ A general assistance director in accordance
3 12 with section 252.26.
3 13 ~~i. j.~~ One or more county engineers in accordance
3 14 with sections 309.17 to 309.19.
3 15 ~~j. k.~~ A weed commissioner in accordance with
3 16 section 317.3.
3 17 ~~k. l.~~ A county medical examiner in accordance
3 18 with section 331.801, and the board may provide
3 19 facilities, deputy examiners, and other employees in
3 20 accordance with that section.
3 21 ~~l. m.~~ Two members of the county compensation
3 22 board in accordance with section 331.905.
3 23 ~~m. n.~~ Members of an airport zoning commission as
3 24 provided in section 329.9, if the board adopts airport
3 25 zoning under chapter 329.
3 26 ~~n. o.~~ Members of an airport commission in
3 27 accordance with section 330.20 if a proposition to
3 28 establish the commission has been approved by the
3 29 voters.
3 30 ~~o. p.~~ Two members of the civil service commission
3 31 for deputy sheriffs in accordance with section 341A.2
3 32 or 341A.3, and the board may remove the members in
3 33 accordance with those sections.
3 34 ~~p. q.~~ A temporary board of hospital trustees in
3 35 accordance with sections 347.9 and 347.10 if a
3 36 proposition to establish a county hospital has been
3 37 approved by the voters.
3 38 ~~q. r.~~ An initial board of hospital trustees in
3 39 accordance with section 347A.1 if a hospital is
3 40 established under chapter 347A.
3 41 ~~r. s.~~ A county zoning commission, an
3 42 administrative officer, and a board of adjustment in
3 43 accordance with sections 335.8 to 335.11, if the board
3 44 adopts county zoning under chapter 335.
3 45 ~~s. t.~~ A board of library trustees in accordance
3 46 with sections 336.4 and 336.5, if a proposition to
3 47 establish a library district has been approved by the
3 48 voters, or section 336.18 if a proposition to provide
3 49 library service by contract has been approved by the
3 50 voters.
4 1 ~~t. u.~~ Local representatives to serve with the
4 2 city development board as provided in section 368.14.
4 3 ~~u. v.~~ Members of a city planning and zoning
4 4 commission and board of adjustment when a city extends
4 5 its zoning powers outside the city limits, in

4 6 accordance with section 414.23.
4 7 ~~v. w.~~ A list of residents eligible to serve as a
4 8 compensation commission in accordance with section
4 9 6B.4, in condemnation proceedings under chapter 6B.
4 10 ~~w. x.~~ Members of the county judicial magistrate
4 11 appointing commission in accordance with section
4 12 602.6503.
4 13 ~~x. y.~~ A member of the judicial district
4 14 department of corrections as provided in section
4 15 905.3, subsection 1, paragraph "a".
4 16 ~~y. z.~~ Members of a county enterprise commission
4 17 or joint county enterprise commission if the
4 18 commission is approved by the voters as provided in
4 19 section 331.471.
4 20 ~~z. aa.~~ Other officers and agencies as required by
4 21 state law.
4 22 Sec. _____. Section 331.322, Code 2007, is amended
4 23 by adding the following new subsection:
4 24 NEW SUBSECTION. 4A. Provide suitable offices for
4 25 the meetings of the county trails board and the
4 26 safekeeping of its records.
4 27 Sec. _____. Section 331.381, Code 2007, is amended
4 28 by adding the following new subsection:
4 29 NEW SUBSECTION. 3A. Proceed in response to a
4 30 petition to establish a county trails board in
4 31 accordance with section 350A.2.
4 32 Sec. _____. Section 331.427, subsection 3, Code
4 33 2007, is amended to read as follows:
4 34 3. The board may make appropriations from the
4 35 general fund for general county services, including
4 36 but not limited to the following:
4 37 a. Expenses of a joint emergency management
4 38 commission under chapter 29C.
4 39 b. Development, operation, and maintenance of
4 40 memorial buildings or monuments under chapter 37.
4 41 c. Purchase of voting machines under chapter 52.
4 42 d. Expenses incurred by the county conservation
4 43 board established under chapter 350, in carrying out
4 44 its powers and duties.
4 45 e. Expenses incurred by the county trails board
4 46 established under chapter 350A, in carrying out its
4 47 powers and duties.
4 48 ~~e. f.~~ Local health services. The county auditor
4 49 shall keep a complete record of appropriations for
4 50 local health services and shall issue warrants on them
5 1 only on requisition of the local or district health
5 2 board.
5 3 ~~f. g.~~ Expenses relating to county fairs, as
5 4 provided in chapter 174.
5 5 ~~g. h.~~ Maintenance of a juvenile detention home
5 6 under chapter 232.
5 7 ~~h. i.~~ Relief of veterans under chapter 35B.
5 8 ~~i. j.~~ Care and support of the poor under chapter
5 9 252.
5 10 ~~j. k.~~ Operation, maintenance, and management of a
5 11 health center under chapter 346A.
5 12 ~~k. l.~~ For the use of a nonprofit historical
5 13 society organized under chapter 504, Code 1989, or
5 14 current chapter 504, a city-owned historical project,
5 15 or both.
5 16 ~~l. m.~~ Services listed in section 331.424,
5 17 subsection 1, and section 331.554.
5 18 ~~m. n.~~ Closure and postclosure care of a sanitary
5 19 disposal project under section 455B.302.
5 20 Sec. _____. Section 331.441, subsection 2, paragraph
5 21 c, subparagraph (2), Code 2007, is amended to read as
5 22 follows:
5 23 (2) Acquisition and development of land for a
5 24 public museum, park, parkway, preserve, recreational
5 25 trails, playground, or other recreation or
5 26 conservation purpose to be managed by the county
5 27 conservation board or county trails board. The board
5 28 may submit a proposition under this subparagraph only
5 29 upon receipt of a petition from the county
5 30 conservation board or county trails board asking that
5 31 bonds be issued for a specified amount.
5 32 Sec. _____. NEW SECTION. 350A.1 PURPOSES.
5 33 The purpose of this chapter is to create a county
5 34 trails board and to authorize counties to acquire,
5 35 develop, maintain, and make available to the
5 36 inhabitants of the county, public recreational trails,

5 37 and facilities related to such trails.
5 38 Sec. _____. NEW SECTION. 350A.2 PETITION == BOARD
5 39 MEMBERSHIP.
5 40 Upon a petition to the board of supervisors which
5 41 meets the requirements of section 331.306, the board
5 42 shall submit to the voters at the next general
5 43 election the question of whether a county trails board
5 44 shall be created as provided for in this chapter. If
5 45 at the election the majority of votes favors the
5 46 creation of a county trails board, the board of
5 47 supervisors within sixty days after the election shall
5 48 create a county trails board to consist of not less
5 49 than five bona fide residents of the county. The
5 50 members first appointed shall hold office for the term
6 1 of one, two, three, four, and five years respectively,
6 2 or as indicated and fixed by the board of supervisors.
6 3 Thereafter, succeeding members shall be appointed for
6 4 a term of five years, except that vacancies occurring
6 5 otherwise than by expiration of term shall be filled
6 6 by appointment for the unexpired term. When a member
6 7 of the board, during the term of office, ceases to be
6 8 a bona fide resident of the county, the member is
6 9 disqualified as a member and the office becomes
6 10 vacant. Members of the board shall be selected and
6 11 appointed on the basis of their demonstrated interest
6 12 in recreational trails, and shall serve without
6 13 compensation, but may be paid their actual and
6 14 necessary expenses incurred in the performance of
6 15 their official duties. Members of the county trails
6 16 board may be removed for cause by the board of
6 17 supervisors as provided in section 331.321, subsection
6 18 3, if the cause is malfeasance, nonfeasance,
6 19 disability, or failure to participate in board
6 20 activities as set forth by the rules of the trails
6 21 board.
6 22 Sec. _____. NEW SECTION. 350A.3 MEETINGS ==
6 23 RECORDS == ANNUAL REPORT.
6 24 Within thirty days after the appointment of members
6 25 of the board, the board shall organize by selecting
6 26 from its members a president and secretary and such
6 27 other officers as are deemed necessary, who shall hold
6 28 office for the calendar year in which elected and
6 29 until their successors are selected and qualify. A
6 30 simple majority of the members of the board shall
6 31 constitute a quorum for the transaction of business.
6 32 The board shall hold regular monthly meetings.
6 33 Special meetings may be called by the president, and
6 34 shall be called on the request of a majority of
6 35 members, as necessity may require. The county trails
6 36 board shall have power to adopt bylaws, to adopt and
6 37 use a common seal, and to enter into contracts. The
6 38 county board of supervisors shall provide suitable
6 39 offices for the meetings of the county trails board
6 40 and for the safekeeping of its records. Such records
6 41 shall be subject to public inspection at all
6 42 reasonable hours and under such regulations as the
6 43 county trails board may prescribe. The board shall
6 44 annually make a full and complete report to the county
6 45 board of supervisors of its transactions and
6 46 operations for the preceding year. Such report shall
6 47 contain a full statement of its receipts,
6 48 disbursements, and the program of work for the period
6 49 covered, and may include such recommendations as may
6 50 be deemed advisable.
7 1 Sec. _____. NEW SECTION. 350A.4 POWERS AND DUTIES.
7 2 The county trails board shall have the custody,
7 3 control, and management of all real and personal
7 4 property heretofore or hereafter acquired by the
7 5 county for recreational trails and is authorized and
7 6 empowered:
7 7 1. To study and ascertain the county's
7 8 recreational trails and facilities related thereto,
7 9 the need for such trails and facilities, and the
7 10 extent to which such needs are being currently met,
7 11 and to prepare and adopt a coordinated plan of trails
7 12 and facilities to meet such needs.
7 13 2. To acquire in the name of the county by gift,
7 14 purchase, lease, agreement, exchange, or otherwise, in
7 15 fee or with conditions, suitable real estate within or
7 16 without the territorial limits of the county for
7 17 recreational trails or related facilities. The

7 18 natural resource commission, the county board of
7 19 supervisors, or the governing body of any city, upon
7 20 request of the county trails board, may transfer to
7 21 the county trails board for use as recreational trails
7 22 or related facilities, any land and buildings owned or
7 23 controlled by the department of natural resources or
7 24 the county or city and not devoted or dedicated to any
7 25 other inconsistent public use. In acquiring or
7 26 accepting land, due consideration shall be given to
7 27 its scenic, historic, archaeologic, recreational, or
7 28 other special features, and land shall not be acquired
7 29 or accepted unless, in the opinion of the board, it is
7 30 suitable or, in the case of exchange, is suitable and
7 31 of substantially the same value as the property
7 32 exchanged from the standpoint of its proposed use. An
7 33 exchange of property approved by the county trails
7 34 board and the board of supervisors is not subject to
7 35 section 331.361, subsection 2. The county trails
7 36 board shall file with the natural resource commission
7 37 notice of all acquisitions or exchanges of land within
7 38 one year.

7 39 3. To acquire, develop, operate, promote, and
7 40 maintain multipurpose recreational trails in the
7 41 county and to cooperate with adjoining counties in the
7 42 development of regional trails.

7 43 4. To accept in the name of the county gifts,
7 44 bequests, contributions, and appropriations of money,
7 45 and other personal property for recreational trails
7 46 purposes.

7 47 5. To employ and fix the compensation of a
7 48 director who shall be responsible to the county trails
7 49 board for carrying out the board's policies. The
7 50 director, subject to the approval of the board, may
8 1 employ and fix the compensation of assistants and
8 2 employees as necessary for carrying out the provisions
8 3 of this chapter.

8 4 6. To charge and collect reasonable fees for the
8 5 use of recreational trails and facilities related to
8 6 such trails. The board shall not allow the exclusive
8 7 use of a trail by one or more organizations.

8 8 7. To operate concessions or to lease concessions
8 9 and to let out and rent privileges in or upon any
8 10 property under its control upon such terms and
8 11 conditions as are deemed by it to be in the public
8 12 interest.

8 13 8. To furnish suitable uniforms for the director
8 14 and those employees as the director may designate to
8 15 wear uniforms, when on official duty. The cost of the
8 16 uniforms shall not exceed three hundred dollars per
8 17 person in any year. The uniforms shall at all times
8 18 remain the property of the county.

8 19 Sec. ____ NEW SECTION. 350A.5 REGULATIONS ==
8 20 PENALTY == OFFICERS.

8 21 The county trails board may make, alter, amend, or
8 22 repeal regulations for the protection, regulation, and
8 23 control of all recreational trails and other property
8 24 under its control. If the regulations affect trails
8 25 within any city limits, such regulations shall be
8 26 approved by the appropriate city council prior to
8 27 adoption by the county trails board. The regulations
8 28 shall not be contrary to, or inconsistent with, the
8 29 laws of this state. The regulations shall not take
8 30 effect until ten days after their adoption by the
8 31 board and after their publication as provided in
8 32 section 331.305 and after a copy of the regulations
8 33 has been posted near each gate or principal entrance
8 34 to the public ground to which they apply. After the
8 35 publication and posting, a person violating a
8 36 provision of the regulations which are then in effect
8 37 is guilty of a simple misdemeanor. The board may
8 38 designate the director and such employees as the
8 39 director may designate, as police officers who shall
8 40 have all the powers conferred by law on police
8 41 officers, peace officers, or sheriffs in the
8 42 enforcement of the laws of this state and the
8 43 apprehension of violators upon all property under the
8 44 board's control within and without the county. The
8 45 board may grant the director and those employees of
8 46 the board designated as police officers the authority
8 47 to enforce the provisions of chapters 321G, 321I,
8 48 461A, 462A, 481A, and 483A on land not under the

8 49 control of the board within the county.
8 50 Sec. _____. NEW SECTION. 350A.6 MONEYS ==
9 1 CONTRACTS == BONDS.
9 2 1. Upon request of the county trails board, the
9 3 board of supervisors shall establish a reserve account
9 4 for the development and construction of new
9 5 recreational trails, including land acquisition and
9 6 capital improvement projects. The board of
9 7 supervisors may periodically credit an amount of money
9 8 to the reserve account. Moneys credited to the
9 9 reserve account shall remain in the reserve account
9 10 until expended for the projects upon warrants
9 11 requisitioned by the county trails board. The
9 12 interest earned on moneys received from bequests and
9 13 donations in the reserve account which are invested
9 14 pursuant to section 12C.1 shall be credited to the
9 15 reserve account.
9 16 2. Annually, the total amount of money credited to
9 17 the reserve account, plus moneys appropriated for
9 18 recreational trails purposes from sources other than
9 19 the reserve account, shall not be less than the amount
9 20 of gifts, contributions, and bequests of money, rent,
9 21 licenses, fees, charges, and other revenues received
9 22 by the county trails board. Moneys given, bequeathed,
9 23 or contributed to the county trails board shall be
9 24 held, appropriated, and expended in accordance with
9 25 the instructions of the grantor.
9 26 3. Grants provided by the natural resource
9 27 commission from its county conservation board fund for
9 28 the purposes of creating and maintaining recreational
9 29 trails and facilities related to such trails shall be
9 30 expended solely for the purposes of carrying out the
9 31 provisions of this chapter.
9 32 4. The county auditor shall keep a complete record
9 33 of the appropriations and shall issue warrants on them
9 34 only on requisition of the county trails board. The
9 35 county trails board is subject to the contract letting
9 36 procedures in section 331.341, subsections 1, 2, and
9 37 4. Upon request of the county trails board, the board
9 38 of supervisors may issue general county purpose bonds
9 39 for the purposes in section 331.441, subsection 2,
9 40 paragraph "c", subparagraph (2), as provided in
9 41 chapter 331, division IV, part 3.
9 42 Sec. _____. NEW SECTION. 350A.7 JOINT OPERATIONS.
9 43 A county trails board may cooperate with the
9 44 federal government or the state government or any
9 45 department or agency thereof to carry out the purposes
9 46 and provisions of this chapter. A county trails board
9 47 may also cooperate with a private, not-for-profit
9 48 organization to carry out public projects and programs
9 49 authorized under this chapter. A county trails board
9 50 may join with any other county board or boards to
10 1 carry out this chapter, and to that end may enter into
10 2 agreements with each other and may do any and all
10 3 things necessary or convenient to aid and cooperate in
10 4 carrying out this chapter. Any city, village, or
10 5 school district may aid and cooperate with any county
10 6 trails board or any combination of boards in
10 7 equipping, operating, and maintaining recreational
10 8 trails and for providing, conducting, and supervising
10 9 programs or activities, and may appropriate money for
10 10 such purposes. The natural resource commission,
10 11 county engineer, county agricultural agent, and other
10 12 county officials shall render assistance which does
10 13 not interfere with their regular employment. The
10 14 board of supervisors may be reimbursed to the credit
10 15 of the proper fund from county trails board funds for
10 16 the actual expense of operation of county-owned
10 17 equipment, use of county equipment operators,
10 18 supplies, and materials of the county, or for the
10 19 reasonable value for the use of county real estate
10 20 made available for the use of the county trails board.
10 21 Sec. _____. NEW SECTION. 350A.8 ADVICE AND
10 22 ASSISTANCE.
10 23 The natural resource commission and the department
10 24 of education shall advise with and may assist any
10 25 county or counties in carrying out the purposes of
10 26 this chapter.
10 27 Sec. _____. NEW SECTION. 350A.9 STATUTES
10 28 APPLICABLE.
10 29 Sections 461A.35 through 461A.57 apply to all lands

10 30 under the control of a county trails board, in the
10 31 same manner as if the lands were state parks or lands.
10 32 As used in sections 461A.35 through 461A.57, "natural
10 33 resource commission" includes a county trails board,
10 34 and "director" includes a county trails board or its
10 35 director, with respect to lands under the control of a
10 36 county trails board. However, sections 461A.35
10 37 through 461A.57 may be modified or superseded by rules
10 38 adopted as provided in section 350A.5.

10 39 Sec. _____. Section 455A.19, subsection 1, paragraph
10 40 b, subparagraph (3), Code 2007, is amended to read as
10 41 follows:

10 42 (3) Forty percent of the allocation to the county
10 43 conservation account annually shall be held in an
10 44 account in the state treasury for the natural resource
10 45 commission to award to counties on a competitive grant
10 46 basis by a project selection committee established in
10 47 this subparagraph. Local matching funds are not
10 48 required for grants awarded under this subparagraph.
10 49 The project planning and review committee shall be
10 50 composed of two staff members of the department, ~~and~~
11 1 ~~two county conservation board directors and two county~~
11 2 ~~trails board directors~~ appointed by the director, ~~and~~
11 3 ~~a fifth seventh~~ member selected by a majority vote of
11 4 the director's appointees. The natural resource
11 5 commission, by rule, shall establish procedures for
11 6 application, review, and selection of county projects
11 7 submitted for funding. Upon recommendation of the
11 8 project planning and review committee, the director
11 9 shall award the grants.

11 10 Sec. _____. Section 455A.20, subsection 1,
11 11 paragraphs a and e, Code 2007, are amended to read as
11 12 follows:

11 13 a. The chairpersons of the board of supervisors,
11 14 county conservation board, county trails board,
11 15 commissioners of the soil and water district, and
11 16 board of directors of each school district in the
11 17 county. A chairperson may appoint a member of the
11 18 chairperson's board or commission as the chairperson's
11 19 designee on the committee. The chairperson or
11 20 designee of a school district shall be a member of the
11 21 county committee of the county in which a majority or
11 22 the largest plurality of the district's students
11 23 reside.

11 24 e. If a question arises as to whether a recognized
11 25 county organization exists under paragraph "c" or "d",
11 26 the question shall be decided by a majority vote of
11 27 the members selected under paragraphs "a" and "b",
11 28 excluding the ~~representative~~ representatives of the
11 29 county conservation board and county trails board.
11 30 Sections 69.16 and 69.16A do not apply to appointments
11 31 made pursuant to this subsection.

11 32 Sec. _____. Section 455A.20, subsection 2, Code
11 33 2007, is amended to read as follows:

11 34 2. The duties of the county resource enhancement
11 35 committee are to coordinate the resource enhancement
11 36 program, plans, and proposed projects developed by
11 37 cities, county conservation board, county trails
11 38 board, and soil and water conservation district
11 39 commissioners for funding under this division. The
11 40 county committee shall review and comment upon all
11 41 projects before they are submitted for funding under
11 42 section 455A.19. Each county committee shall propose
11 43 a five-year program plan which includes a one-year
11 44 proposed expenditure plan and submit it to the
11 45 department.

11 46 Sec. _____. Section 456A.19, unnumbered paragraph 7,
11 47 Code 2007, is amended to read as follows:

11 48 All moneys credited to the county conservation
11 49 board fund shall be used to provide grants to county
11 50 conservation boards and county trails boards to
12 1 provide funding for the purposes of chapter 350 and
12 2 chapter 350A. These grants are in addition to moneys
12 3 appropriated to the conservation boards and the trails
12 4 boards from the county boards of supervisors. The
12 5 grants shall be made to the conservation boards and
12 6 the trails boards based upon the needs of the boards.
12 7 Applications shall be made by the boards to the
12 8 commission.

12 9 Sec. _____. Section 457A.1, Code 2007, is amended to
12 10 read as follows:

12 11 457A.1 ACQUISITION BY OTHER THAN CONDEMNATION.
12 12 The department of natural resources, soil and water
12 13 conservation districts as provided in chapter 161A,
12 14 the historical division of the department of cultural
12 15 affairs, the state archaeologist appointed by the
12 16 state board of regents pursuant to section 263B.1, any
12 17 county conservation board, any county trails board,
12 18 and any city or agency of a city may acquire by
12 19 purchase, gift, contract, or other voluntary means,
12 20 but not by eminent domain, conservation easements in
12 21 land to preserve scenic beauty, wildlife habitat,
12 22 riparian lands, wetlands, or forests; promote outdoor
12 23 recreation, agriculture, soil or water conservation,
12 24 or open space; or otherwise conserve for the benefit
12 25 of the public the natural beauty, natural and cultural
12 26 resources, and public recreation facilities of the
12 27 state.
12 28 Sec. _____. Section 461A.79, subsection 1, Code
12 29 2007, is amended to read as follows:
12 30 1. Fifty percent of the funds appropriated for
12 31 purposes of this section for public outdoor recreation
12 32 and resources shall be expended on land acquisition
12 33 and capital improvements in carrying out this chapter.
12 34 Acquisition projects, both fee=simple and
12 35 less=than=fee, from willing sellers, may be for
12 36 purposes of establishment or expansion of state parks,
12 37 public hunting areas, natural areas, public fishing
12 38 areas, water access sites, trail corridors,
12 39 recreational trails, and other acquisition projects
12 40 that are in accord with this chapter. Notwithstanding
12 41 the exemption provided by section 427.1, land acquired
12 42 under this subsection is subject to the full
12 43 consolidated levy of property taxes which shall be
12 44 paid from revenues available to be expended under this
12 45 subsection. Capital improvements may be either new
12 46 developments or rehabilitative in nature. Lake and
12 47 watershed restoration projects are eligible for
12 48 funding under this subsection. Not more than fifty
12 49 percent of the revenues available to be expended under
12 50 this subsection may be used by the commission to enter
13 1 into agreements with county conservation boards,
13 2 county trails boards, and county boards of supervisors
13 3 in those counties without conservation boards or
13 4 county trails boards to carry out the purposes of this
13 5 subsection. The agreement shall not provide for the
13 6 payment by the commission of more than seventy=five
13 7 percent of the cost of the project and the agreement
13 8 shall specify that the county conservation board,
13 9 county trails board, or county board of supervisors,
13 10 whichever is applicable, shall provide funds for the
13 11 remaining cost of the project covered by the
13 12 agreement. Moneys available to be expended under this
13 13 subsection may be used for the matching of federal
13 14 funds.
13 15 Sec. _____. Section 461A.80, subsection 3, Code
13 16 2007, is amended to read as follows:
13 17 3. Each county conservation board and each county
13 18 trails board of those counties which are located in a
13 19 congressional district shall nominate one person from
13 20 the congressional district for appointment to the
13 21 advisory council. The commission shall compile a list
13 22 of the nominations of the county conservation boards
13 23 and county trails boards for each congressional
13 24 district and shall provide this list to the governor.
13 25 The governor shall appoint one member from each
13 26 congressional district from the nominations as
13 27 provided. Appointments shall be made for three=year
13 28 terms beginning July 1 in the year of appointment. A
13 29 person shall not serve more than two terms. A vacancy
13 30 shall be filled for the unexpired term in the same
13 31 manner as the original appointment was made.
13 32 Sec. _____. Section 463B.2, subsections 1 and 5,
13 33 Code 2007, are amended to read as follows:
13 34 1. A Missouri river preservation and land use
13 35 authority is created to engage in comprehensive
13 36 planning for and the development and implementation of
13 37 strategies designed to preserve and restore the
13 38 natural beauty of the land adjacent to and the water
13 39 of the Missouri river through state land acquisition.
13 40 Planning and implementation activities shall be
13 41 coordinated with plans and implementation activities

13 42 of the department of natural resources for lands owned
13 43 or acquired by the department. The authority shall be
13 44 composed of a representative from each of the county
13 45 conservation boards and each of the trails boards of
13 46 the counties which border on the Missouri river, an
13 47 elected official selected by the county board of
13 48 supervisors of each of the counties which border on
13 49 the Missouri river, six at-large public members, and
13 50 four ex officio members. The board of supervisors of
14 1 the counties which border on the Missouri river shall
14 2 each appoint one of the at-large public members, who
14 3 shall possess a demonstrated interest in or knowledge
14 4 about natural resource conservation and protection and
14 5 one of whom shall also be actively engaged in the
14 6 business of farming. Interest or knowledge of an
14 7 at-large member may be demonstrated by membership in
14 8 an association or other organization which is involved
14 9 in conservation, environmental protection, or related
14 10 activities. The ex officio members of the authority
14 11 shall be composed of a representative from the natural
14 12 resource commission of the department of natural
14 13 resources, a representative from the state department
14 14 of transportation, a representative from the
14 15 department of cultural affairs, and a representative
14 16 from the office of attorney general. Members of the
14 17 authority shall serve two-year terms. Members who are
14 18 also members of a county conservation board, county
14 19 trails board, or board of supervisors shall be
14 20 reimbursed only for actual expenses incurred while
14 21 performing duties of the authority. At-large members
14 22 shall be reimbursed for actual expenses and shall
14 23 receive a per diem as specified in section 7E.6 for
14 24 their performance of duties for the authority.
14 25 5. The title to all property purchased by the
14 26 authority shall be taken in the name of the state, but
14 27 no land shall be acquired through condemnation
14 28 proceedings and all purchases shall be from willing
14 29 sellers. The authority may transfer jurisdiction over
14 30 any lands the authority acquires to the department of
14 31 natural resources, or may enter into agreements with
14 32 the department or the appropriate county conservation
14 33 board or county trails board, for the management of
14 34 the lands. All lands purchased shall be for public
14 35 use, and not for private commercial purposes, but the
14 36 authority may permit the expenditure of private funds
14 37 for the improvement of land or water adjacent to or
14 38 purchased by the authority. All surveys and plats of
14 39 lands purchased by the authority shall be filed in the
14 40 manner provided in section 461A.22. Land purchased by
14 41 the authority shall be managed and policed in the
14 42 manner provided under agreements between the authority
14 43 and the agency responsible for management of the
14 44 property, except that, subject to the restrictions
14 45 contained in chapter 455B, the authority shall not be
14 46 required to obtain the prior permission of the natural
14 47 resource commission when using private funds to
14 48 establish land or water recreational areas, and any
14 49 property purchased by the authority shall not be sold
14 50 without the prior notification and consent of the
15 1 authority.>
15 2 #4. By renumbering as necessary.
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15 6 MAY of Dickinson
15 7 HF 911.504 82
15 8 rh/je/8756